

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

1. ROBERT KRAHN, JR.,)	
)	
Plaintiff,)	
)	Case No. 16-cv-00755-JHP-PJC
v.)	
)	
1. CHARLES E. DILLARD,)	
an Individual, and;)	
)	
2. DETROIT TRANSPORTAION,)	
a foreign corporation,)	
)	
Defendants.)	

NOTICE OF REMOVAL

In accordance with the provisions set forth in 28 U.S.C. §§ 1441, 1446, *et seq.*, notice of removal is given as follows: Defendant Detroit Transportation, removes this action from the District Court of Tulsa County, Case No. CJ-2016-3059 (“State Court Action”), to this Court pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, *et seq.* Pursuant to 28 U.S.C. §1446 and LCvR 81.2, a copy of the docket sheet for the State Court Action is attached hereto as Exhibit 1. Copies of all documents served and/or filed in the State Court Action are attached hereto as Exhibits 2-5.

1. The Plaintiff alleges that Defendant Detroit Transportation is liable for the actions of its driver in the operation of a motor vehicle. As a result, the Plaintiff further alleges that damages were suffered.

2. This case was filed in the District Court of Tulsa County, State of Oklahoma, on August 24, 2016. The Petition was amended on October 28, 2016. Defendant was served with Summons and the Amended Petition on December 2, 2016 through its registered service agent,

Kelly Dean, in Detroit, Texas. Pursuant to 28 U.S.C. § 1446(b), Defendant is within the one year limitation for removing this action.

3. Pursuant to 28 U.S.C. § 1446(b), Defendant has filed this Notice of Removal within the required 30 days after receipt by the Defendant “of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.”

4. The lawsuit filed by Plaintiff alleges damages “in excess of \$75,000.00”. Therefore, the damages sought by Plaintiff exceed the threshold for diversity jurisdiction.

5. The District Court of Tulsa County, the court in which this action is pending, is located within this Court’s jurisdiction.

6. Removal of this action is proper under 28 U.S.C. §§ 1441 and 1446, *et seq.*, because this Court has original diversity jurisdiction over this matter, given that:

a. The amount in controversy exceeds \$75,000.00, exclusive of interest or costs. The Defendant first knew the amount in controversy exceeded \$75,000.00 and that this case was ripe for removal and could actually be removed when it was served with Plaintiff’s Amended Petition, on or about December 2, 2016.

b. As alleged in the Plaintiff’s Amended Petition, Plaintiff is resident of Oklahoma.

c. As alleged in the Amended Petition, Defendant, Detroit Transportation is and/or was a foreign corporation existing under and by virtue of the laws of the State of Texas, with its principle place of business in the City of Detroit, County of Red River, Texas.

d. Defendant's driver, Charles E. Dillard, is a citizen and resident of Paris, Texas as alleged in the Petition. To the best of Defendant's knowledge, he has not been served and in any event, would not object to removal.

d. Accordingly, there is complete diversity of citizenship in this action, and this case is removable on that basis.

7. Written notice of the filing of this Notice of Removal is being promptly given to Plaintiff and a Notice of Filing of Notice of Removal is promptly being filed with the clerk of the District Court of Tulsa County, as required by 28 U.S.C. § 1446(d).

8. For the reasons stated above, Defendant, Detroit Transportation, removes this action from the District Court of Tulsa County, to this Honorable Court.

Respectfully submitted,

/s Brian L. Carter

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CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2016, I mailed a copy to counsel via USPS. Based on the electronic records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Lynn R. Anderson
320 S. Boston Ave., Ste. 825
Tulsa, OK 74103
Attorney for Plaintiff

/s Brian L. Carter